

Standing Committee Report Summary

The Railways (Amendment) Bill, 2014

- The Standing Committee on Railways (Chair: Mr. Dinesh Trivedi) submitted its report on the Railways (Amendment) Bill, 2014 on May 5, 2015. The Bill was introduced in Lok Sabha on August 7, 2014. It was referred to the Standing Committee on September 16, 2014. The Bill amends the Railways Act, 1989 and seeks to prevent people from filing multiple claims from the Railways in case of accidents.
- The Committee recommended that the Bill be sent back to the government and re-introduced in Parliament, with certain changes. Key observations and recommendations of the Committee include:
 - The Bill defines accidental falling to exclude cases of falling from a moving train when entering a train, standing near train door, on foot board/ rooftop, or endangering safety of others wilfully, or through neglect. The Committee recommended that such a definition could be effected only when deficiencies in the Railway premises and property are rectified and passenger safety is ensured.
 - The Committee observe that such a definition will exclude several genuine cases such as passengers falling out of suburban trains which do not have doors. Several cases of falling happen due to technical deficiencies in the railway infrastructure such as low height of the platforms, wide gap between platform and trains, and dilapidated condition of crossings. Railway users, who cannot afford other modes of travel, are compelled to try to board the already over-crowded trains. However, Railways have never restricted the sale of tickets commensurate with the availability of space inside the rail carriage.
 - The Bill states that in cases of accidental falling due to passenger negligence, the passenger has to prove he took reasonable care to avoid the accident. The Committee observed that shifting the burden of proof in these cases, from the Railways to the claimant, will lead to victims being denied compensation in such cases. The Committee has declined to accept the proposal to shift the burden of proof to the victim.
- Under the Bill the railways administration where the accident occurred will be made a party before the Claims Tribunal for all cases. The Committee recommended that the railways zone where the accident occurred should not be a party to the case. The Centre for Railway Information Systems should improve its software to register accidents and make it fool-proof. The software can mandatorily require the Accidental Death Report Number in the claims application to avoid such duplication.
- Duplicate claims constitute about 0.5% of the total number of cases of compensation claims filed over the last 10 years. However, till date, no loss to the government exchequer has been reported by the Railways on account of compensation given in duplicate/ fraudulent cases.
- Though the proposed amendments involve public interest, they have been proposed without any consultation with important stakeholders. If this Bill is passed by Parliament, the Railway users alone will be the most affected at the ground level. The Committee recommended that various stakeholders should be consulted before major policy changes are affected by the Railway administration.
- The Committee also observed that as on January 31, 2015, as many as 38,637 compensation claims are pending. The primary reason for the rising number of compensation claims is the non-filling of vacant posts of both the judicial and technical members in the Railways Claims Tribunal Benches. The Committee recommended that the government should re-work their priorities and focus on filling up these vacant posts.

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